

## BOARD FOR BARBERS & COSMETOLOGY

### MINUTES OF MEETING

The Board for Barbers & Cosmetology met on Monday, August 7, 2006, at the Offices of the Department of Professional and Occupational Regulation, 3600 West Board Street, 4<sup>th</sup> Floor, Richmond, Virginia. The following members were present:

Jessie H. Anders  
Hien Huu Do  
Janet E. Girardi  
Gloria L. Howard-Seldon  
Algie T. Howell, III  
Lonnie E. Quesenberry  
Jessica B. Weaver  
L. Saphonia Gee – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related estheticians until July 1, 2007.  
Laura A. Todd – in accordance with § 54.1-702 B of the Code of Virginia the esthetician member shall not vote on any matters before the Board except matters related to estheticians until July 1, 2007.

The following member was absent:

Virginia L. Sanders

DPOR staff present for all or part of the meeting included:

Jay W. DeBoer, Director  
David B. Ashe, Deputy Director  
Karen W. O'Neal, Deputy Director, LRD  
Nick A. Christner, Deputy Director for Compliance & Investigations  
Bonnie Rhea Adams, Director of Complaint Analysis & Resolutions  
William H. Ferguson, II, Executive Director  
Zelda W. Dugger, Board Administrator  
Earlyne B. Perkins, Legal Analyst  
Sharon Sweet, Director of Education & Examinations  
Rashaun K. Minor, Administrative Assistant

Representatives from the Office of the Attorney General were present for the meeting.

Eric A. Gregory, Assistant Attorney General  
Elizabeth B. Peay, Assistant Attorney General

Mr. Quesenberry, Chair, determined a quorum was present and called the meeting to order at 9:10 a.m. **Call to Order**

Mr. Quesenberry introduced to the Board new tattooing and body piercing board member, Ms. Jessica B. Weaver. Ms. Weaver gave a brief description of her background and her experience in the industry. Mr. Quesenberry welcomed Ms. Weaver to the Board. **Board Member**

Mr. Quesenberry informed the Board that Ms. Gloria Howard-Seldon, Mr. Jessie Anders, and he were all reappointed by Governor Kaine to the Board for a second four year term.

Mr. Quesenberry also introduced to the Board's new Counsel, Ms. Elizabeth Peay, Assistant Attorney General, and thanked Mr. Eric Gregory for his service while serving as the Board's Counsel.

Ms. Quesenberry asked Ms. Bonnie Adams to introduce the Compliance & Investigations Division staff that was present. Ms. Adams introduced herself as the Director of Complaint Analysis and Resolution, Ms. Kimberly Harris, Mr. George Burnham, and Mr. David Boothe as Investigators, Ms. Sheon Rose as the Assistant Director of In-House Investigations, and Mr. C.W. Lawrence as the Director of Field Investigations. Ms. Adams also introduced Ms. Jacqueline Davis and Ms. Hiwie Yohannes as summer interns with the Compliance and Investigations Division.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders the Board voted to approve the agenda with as amended to include the National Association of Barbers Board American and moved the Conflict of Interest Training before the Regulations and to postpone the Board Specific to the next board meeting. **Approval of Agenda**

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

Mr. Quesenberry asked if there was any public comment.

**Public Comment  
Period**

MaryJane Masssad Hogue, of Richmond, Virginia addressed the Board on behalf of Ms. Sara Nguyen. Ms. Hogue stated that Ms. Nguyen is a United States citizen; however, her native language is Chinese and English is her second language. Ms. Hogue stated that Ms. Nguyen graduated from cosmetology school and has been an apprentice for 7 ½

years and is a master colorist.

Ms. Hogue stated that Ms. Nguyen has had difficulty on the exam and in China Ms. Nguyen may have been considered as having dyslexia if such diagnosis were available in China.

Ms. Hogue stated that Ms. Nguyen would pay for reasonable options and that Ms. Nguyen received her Virginia Driver's license with accommodations for those who do not read English well.

Ms. Hogue asked the Board for leadership, guidance, and alternatives to assist Ms. Nguyen in obtaining her cosmetologist license.

Maryanne Kaminsky, of Richmond, Virginia, with In Plain English, LLC, also addressed the Board on behalf of Ms. Sara Nguyen. Ms. Kaminsky stated she is a speech pathologist and assist those with language disorders, English as a second language, and those individuals who wish to reduce their accent.

Ms. Kaminsky stated she has known Ms. Nguyen for many years and is confident in her skills as a hair dresser. Ms. Kaminsky stated she did a review of various states in particular California and New York since these states are known for their large immigrant population. These states do provide accommodations such as translators with rigid rules attached to this service.

Ms. Kaminsky stated Ms. Nguyen has reviewed sample test and Ms. Nguyen does well with hair, scalp, skin, but has difficulty with chemistry. Ms. Kaminsky stated that persons who learn English as a second language come in with their own grammar and English is a difficult language to learn because of its subtleties.

Ms. Kaminsky stated that Ms. Nguyen did pass her citizenship examination and that Ms. Nguyen has good professional cosmetology skills and someone she is proud of.

Beverly Connor, of West Point, Virginia addressed the Board. Ms. Connor stated she is a Cosmetology Instructor at the Henrico Regional Jail East located in New Kent County. Ms. Connor thanked the Board for its diligence, attentiveness, the opportunity for their students to practice in field of cosmetology and giving them a second change to make a positive impact. Ms. Connor stated that the students work hard to enroll in the program, maintain, and ultimately graduate and pass the state board exam. Ms. Connor reiterated her appreciation to the Board and commended the Board on their commitment to the industry and to

the public.

Ms. Connor also commended board staff for their quick response to inquires. Ms. Connor also stated her appreciation to the Board for allowing Ms. Sharon Sweet and Ms. Zelda Dugger to attend the Virginia Association of Trade and Industrial Educators (VATIE). Their participation has a great impact and provides a connection and positive relationship with the Board.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to approve the minutes of the May 1, 2006 Board for Barbers and Cosmetology board meeting, June 29, 2006 Informal Fact-Finding Conference, June 15, 2006 Informal Fact-Finding Conference, May 25, 2006 Informal Fact-Finding Conference, and the May 18, 2006 Informal Fact-Finding Conference.

**Approval of**  
**Minutes for**  
**May 1, 2005**  
**Board Meeting,**  
**June 29, 2006 IF,**  
**June 15, 2006 IF,**  
**May 25, 2006 IF,**  
**and May 18, 2006**  
**IF**

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04359, Board v. Hammonds, Jeanette**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Hammonds addressed the Board via speaker phone from Fluvanna Correctional Center for Women.

**File Number**  
**2006-04359**  
**Hammonds,**  
**Jeanette**

Upon a motion by Mr. Howell and seconded by Mr. Do, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Jeanette Hammonds' cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04352, Board v. Journey's End Tattoo Studio**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Stringer, owner, did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number**  
**2006-04352**  
**Journey's End**  
**Tattoo Studio**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Do, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Journey's End Tattoo Studio tattoo parlor license application.

The members voting 'yes' were Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. The members voting 'no' were Mr. Anders, Ms. Girardi, and Mr. Howell. The motion passed by majority.

At the end the case reviews, upon a motion by Ms. Howard-Seldon and seconded by Mr. Howell, the Board voted to reconsider **File Number 2006-04352 Journey's End Tattoo Studio**.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04352, Board v. Journey's End Tattoo Studio**, the Board considered the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Stringer, owner, did not appear at the meeting in person, by counsel, or by any other qualified representative.

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Do, the Board voted to reject the recommendation in the Summary of the Informal Fact-Finding Conference and denied Journey's End Tattoo Studio parlor license application based upon the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. The Board disagrees with the recommendation and believes the evidence of the record supports the inclination for repeat offenses.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04357, Board v. Webb, Jennifer Lorenzo**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Webb.

**File Number 2006-04357 Webb, Jennifer**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Anders, the Board voted to accept the recommendation in the Summary of the Information Fact-Finding Conference and approved Ms. Jennifer Webb's cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms.

Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04358, Board v. Lacks, Tammy**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Lacks.

**File Number 2006-04358 Lacks, Tammy**

Upon a motion by Mr. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Tammy Lacks cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04360, Board v. Zelenak, Katina**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Zelenak.

**File Number 2006-04360 Zelenak, Katina**

Upon a motion by Mr. Anders and seconded by Mr. Do, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Katina Zelenak's cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Howell, Mr. Quesenberry, and Ms. Weaver. The member voting 'no' was Mr. Howell. The motion passed by majority.

In the matter of **File Number 2006-04361, Board v. Whitt, Nellie Sue**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Whitt.

**File Number 2006-04361 Whitt, Nellie Sue**

Upon a motion by Mr. Howard-Seldon and seconded by Ms. Girardi, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Nellie Sue Whitt



cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Howell, Mr. Quesenberry, and Ms. Weaver. The member voting 'no' was Mr. Howell. The motion passed by majority.

In the matter of **File Number 2006-04707, Board v. Gary, Lois**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Gary. **File Number 2006-04707 Gary, Lois**

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Girardi, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and denied Ms. Lois Gary cosmetologist license application based upon the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. A review of the facts and the nature of the crimes, the Board is of the opinion they could not protect the health, safety and welfare of the public. The Board agreed that based upon the convictions of two sexually related offenses, which involve minors, and two grand larceny convictions involving theft from a client, and the relationship between the crimes and the purpose for requiring a license, that the license be denied.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. The member voting 'no' was Mr. Do. The motion passed by majority.

In the matter of **File Number 2006-04708, Board v. Hicks, Angela**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Hicks. **File Number 2006-04708 Hicks, Angela**

Upon a motion by Ms. Howell and seconded by Mr. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Angela Hicks cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04709, Board v. Jones, Penelope**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Jones.

**File Number 2006-04709 Jones, Penelope**

Upon a motion by Ms. Howard-Seldon and seconded by Mr. Quesenberry to reject the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Penelope Jones cosmetologist license application.

The members voting 'yes' were Mr. Do, Ms. Howard-Seldon, Mr. Quesenberry. The members voting 'no' were Mr. Anders, Ms. Girardi, Mr. Howell, and Ms. Weaver. The motion failed by majority.

Upon a motion by Mr. Anders and seconded by Mr. Howell, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and denied Ms. Penelope Jones cosmetologist license application based upon the information obtained from the Central Criminal Records Exchange, and in consideration of the criteria outlined in §54.1-204.B. A review of the facts and the nature of the crimes, the Board is of the opinion that due to the pattern and recentness of Jones' propensity to engage in criminal behavior during times of financial stress, that the license be denied.

The members voting 'yes' were Mr. Anders, Ms. Girardi, Mr. Howell, and Ms. Weaver. The members voting 'no' were Mr. Do, Ms. Howard-Seldon, and Mr. Quesenberry. The motion passed by majority.

In the matter of **File Number 2006-04758, Board v. Costello, Steven**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Steven was appeared at the board meeting and addressed the Board.

**File Number 2006-04758 Costello, Steven**

Upon a motion by Ms. Howell and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Steven Costello barber license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.



In the matter of **File Number 2006-04852, Board v. Banks, Roland Christopher**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Banks did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-04852 Banks, Roland Christopher**

Upon a motion by Ms. Girardi and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Roland Christopher Banks barber license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Quesenberry, and Ms. Weaver. The member 'voting' no was Mr. Howell. The motion passed by majority.

In the matter of **File Number 2006-04924, Board v. Nguyen, Quy Thi**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Nguyen.

**File Number 2006-04924 Nguyen, Quy Thi**

Upon a motion by Mr. Do and seconded by Ms. Howard-Seldon, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Quy Thi Nguyen cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

In the matter of **File Number 2006-04939, Board v. Billups, Darnella**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Ms. Gail Novak, Cosmetology Instructor, at the Fluvanna Correctional Center for Women appeared at the board meeting and addressed the Board on behalf of Ms. Billups.

**File Number 2006-04939 Billups, Darnella**

Upon a motion by Ms. Howard-Seldon and seconded by Ms. Weaver, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Ms. Darnella Billups cosmetologist license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms.

Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously

In the matter of **File Number 2006-05023, Board v. Faircloth, Richard**, the Board reviewed the record, which consisted of the application file, transcript, exhibits, and the Summary of the Informal Fact-Finding Conference. Mr. Faircloth did not appear at the meeting in person, by counsel, or by any other qualified representative.

**File Number 2006-05023 Faircloth, Richard**

Upon a motion by Ms. Weaver and seconded by Mr. Howell, the Board voted to accept the recommendation in the Summary of the Informal Fact-Finding Conference and approved Mr. Richard Faircloth tattooer license application.

The members voting 'yes' were Mr. Anders, Mr. Do, Ms. Girardi, Ms. Howard-Seldon, Mr. Howell, Mr. Quesenberry, and Ms. Weaver. There were no negative votes. The motion passed unanimously.

At 10:36 a.m. the Board recessed and reconvened at 10:50 a.m.

**Break**

Mr. Gregory provided training on the Conflict of Interest Act. Mr. Gregory concluded the training by fielding questions about the Conflict of Interest Act from the board members.

**Conflict of Interest Training**

The Board was informed that the Final Tattooing Regulations were approved by the Governor and submitted to the *Virginia Register*, and are scheduled to become effective October 1, 2006.

**Tattooing Regulations**

The Board was informed that the Final Hair Braiding Regulations were in the Governor's Office pending review and approval.

**Hair Braiding Regulations**

The Board was informed that the Final Body Piercing Regulations have received a letter of assurance for the Attorney General Office and are currently in the Department of Planning and Budget office pending review and approval.

**Body Piercing Regulations**

The Board was informed that the Proposed Esthetics Regulations were approved by the Department of Planning and Budget and are currently in the Secretary of Commerce and Trade pending review.

**Esthetics Regulations**

Ms. O'Neal gave a training presentation on the roles and responsibilities of a board member. Ms. O'Neal went over the general board business, a board's authority, and a board's purpose.

**Roles and Responsibilities Training**

Ms. O'Neal concluded the training by fielding questions from the board

members.

Mr. Anders informed the Board that the National Association of Barber **Other Board**  
Boards of America will hold its 80<sup>th</sup> Annual Conference in September **Business**  
in Denver, Colorado.

Ms. Anders stated some topics being discussed this year are licensing felons and braiding. Mr. Anders stated that out of the 23 or more state boards represented, Virginia is one of the most diverse Boards with several occupations regulated under the Board for Barbers and Cosmetology.

Mr. Anders encouraged the board members to attend their profession specific association conferences; there is information to gain, and an opportunity to see how other state boards operate and an overall good experience.

There being no other business to be brought before the Board, the **Adjourn**  
meeting adjourned at 12:50 p.m.

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Lonnie E. Quesenberry, Chair

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Jay W. DeBoer, Secretary

COPY TESTE:

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